



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,924	02/01/2000	Jeffry Jovan Philyaw	PHLY-24,913	4127

25883 7590 05/18/2006

HOWISON & ARNOTT, L.L.P  
P.O. BOX 741715  
DALLAS, TX 75374-1715

EXAMINER
----------

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/494,924

Applicant(s)

PHILYAW

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al. in view of Ogasawara and Simonoff et al.

Hudetz et al. disclose providing an input device 120 at the first location on the global communication network having associated therewith a unique input device ID ( the address of every computer is notoriously well know to be transmitted by a PC to a server); notwithstanding, *since applicant admits that the computer 28 does indeed have its own address then, because the computer also has an input device 44, then the computer is read as an input device having an input ID.* Hudetz et al. further disclose scanning a product code disposed on a product with the input device (col. 11, lines 31- 32), which product code is representative of the product in commercial transactions, the step of scanning operable to extract the information contained in the product code to provide a unique value as an output is read as the numeric address encoded in bar code).

Hudetz et al. also disclose in response to the step of scanning and the step of associating, connecting the first location to the second location. (Hudetz et al. Discloses in col. 11 lines 4-10 that once the unique value i.e. the numeric address encoded in the bar code is extracted, it is associated by the service provider with the first location computer.) However, there is no disclosure of the input device ID permanently associated with the input device and independent of the first location. However, Ogasawara does disclose such a permanently associated ID telephone number see col. 10 lines 1-41. It would be obvious to modify Hudetz et al to include such an ID because the motivation would be to allow the input device 120 to be free of a base station.

Additionally, Hudetz et al fail to disclose the unique ID is associated with the message packet. However, Simonoff et al. disclose in col. 11 lines 13-68 disclosed a unique ID which is commonly associated with a message (value) between different locations. It would further be obvious to modify the aforesaid combination to include the unique ID commonly associated with a value between two locations, the motivation being the ability to communicate between differently designed systems. In addition to this, Ogasawara

Art Unit: 3627

discloses in col. 10 lines 43-46 that each message coming from a wireless telephone 18 is associated with the customer's telephone number, customer ID or some other unique identifier". Thus it would be obvious to include such a feature in Hudetz et al. because this would insure that the message packet would be routed to the assigned device i.e. telephone 18 through by whatever route is possible.

Re claims 23,24, 25,27: Hudetz et al disclose in response to the step of scanning and the step of associating, accessing a database having stored therein a plurality of unique values for a plurality of products, each associated with routing information over the global communication network to one of the plurality of second locations (see database, 60 all records having UPC fields - col. 8, lines 47-67, and col.9 lines 1-5) ; *whether the URL is loaded as a function of user intervention or not is still readable on claim 23 as there is no claim limitation stating otherwise.* Also, Ogasawara discloses using the device phone number to reference the user in a database. Re: comparing the output unique value with the stored unique values in the database; and if a match exists between the output unique value and any of the stored unique values: (Official notice is taken with respect to the old and notorious use of comparing two values in a binary system to determine if a match exists); Re: retrieving from the database the associated routing information to the second location, and connecting the first location with the second location on the global communication network in accordance with the retrieved routing information- (Hudetz et al. Discloses in col. 11 lines 4-10 that once the unique value i.e. the numeric address encoded in the bar code is extracted, it is associated by the service provider with the first location computer).

Re claim26: accessing a remote location on the global communication network at an intermediate node thereon; forwarding the unique value and unique device ID to the intermediate node; (see col. 11 lines 6-7, remote server 128 is an intermediate node) ;

Re: claim 26 wherein the database is disposed at the intermediate node; retrieving the associated routing information from the database in the event of a positive mach and forwarding the retrieved routing information back to the first location and connecting the first location to the second location in accordance with the retrieved information. (Where the database is located is not considered to be of any patentable weight given that the speed of the internet and the ability of data to travel on it at great speeds regardless of location makes this limitation obvious.) Furthermore, official notice is taken with respect to the notoriously well known practice of locating data files remotely. Notwithstanding, col. 7, lines 57-64 suggest that the database 60 be disposed in a number of locations including one that is intermediately disposed.

Applicant's arguments filed 7/26/05 have been fully considered but they are not persuasive. Applicant argues that nowhere in the art relied on by the

Art Unit: 3627

examiner is there a disclosure of the input device permanently affixed thereto...provided with a unique identifier. However, Ogasawara discloses, in col. 10 lines 43-46, that "each message coming from a wireless telephone 18 is associated with the customer's telephone number, customer ID or some other unique identifier". Applicant attempts to dilute this statement by stating instead that the wireless phone number "is associated *with some type of customer phone number...*" In Ogasawara, col. 10 line 21 it is stated that the customer's phone number which must be that which is associated with the phone referred to in the immediately preceding part of the sentence is used. Thus, regardless of what the phone number is being used for by the system in Ogasawara, the phone number still answers the limitation of a unique ID tied to the device 18. The allegation that Ogasawara fails to associate the input device and the scanned item is irrelevant because the unique ID tied to the phone 18, which phone is independent of any location, is all that the examiner is relying on for in the Ogasawara reference in reference to claim 22. The motivation for combining Ogasawara and Hudetz et al. is set forth in the office action and is considered proper.

No amendments have accompanied this RCE. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3627

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to  
PRIMARY EXAMINER Joseph A. Fischetti at telephone number <sup>571 272 6780</sup> ~~(703) 305-0731~~.

  
JOSEPH A. FISCHETTI  
PRIMARY EXAMINER